

Attorney's Docket No. 5218-39B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Anagnostou et al.
Serial No.: 09/525,797
Filed: March 15, 2000
For: *METHOD OF TREATING ENDOTHELIAL INJURY*

Confirmation No. 9917
Group Art Unit: 1642
Examiner: Susan Ungar

September 10, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. The Examiner is authorized to charge Deposit Account No. 50-0220 for the Terminal Disclaimer Filing Fee [37 C.F.R. § 1.20(d)] and any additional fee which may be required, or credit any overpayment.

Respectfully submitted,

Shawna Cannon Lemon
Registration No. 53,888

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CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 472533932 US

Date of Deposit: September 10, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan E. Freedman
Date of Signature: September 10, 2004

SEP 16 2004

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)

Sir:

I, F. Michael Sajovec, am an attorney of record of the disclaimant, East Carolina University, and am authorized to execute this disclaimer on behalf of East Carolina University. The disclaimant, East Carolina University, having a principal place of business at 210 Spilman Building, Greenville, North Carolina, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded on December 16, 1996, at Reel 8272, Frame 0356.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 5,922,674, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on December 16, 1996, at Reel 8272, Frame 0356.

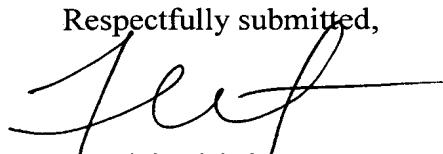
Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,922,674. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the

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full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U.S. Patent No. 5,922,674, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



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Susan E. Freedman

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